

Message Text

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ORIGIN PM-04

INFO OCT-01 ARA-06 ISO-00 L-03 DODE-00 H-02 PA-01 SS-15

SP-02 SY-05 INR-07 /046 R

DRAFTED BY PM/SAS: ASKOCHANNEK/LD

APPROVED BY PM/SAS: MR. WINSHIP

ARA/PLC - COL. QUIGG (SUB)

L/T - MR. BOYD (SUB)

DOD/DSAA - MR. NELSON (SUB)

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R 111855Z AUG 75

FM SECSTATE WASHDC

TO AMEMBASSY BRASILIA

C O N F I D E N T I A L STATE 189520

E.O. 11652: GDS

TAGS: MASS, BR

SUBJECT: DECLASSIFICATION OF AIRCRAFT MOU

1. DEPT. HAS RECEIVED REQUEST UNDER FREEDOM OF INFORMATION ACT (FOIA) FROM CONGRESSMAN LES ASPIN FOR 29 BILATERAL AND MULTILATERAL AGREEMENTS. ALL OF THESE AGREEMENTS ARE CLASSIFIED AND TEXTS WERE PREVIOUSLY PROVIDED TO THE CONGRESS AS REQUIRED BY LAW. ASPIN IN EFFECT IS ASKING FOR THEIR DECLASSIFICATION. AMONG AGREEMENTS REQUESTED IS MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE USG AND THE GOB RELATING TO THE ACQUISITION OF MILITARY AIRCRAFT WHICH IS CLASSIFIED CONFIDENTIAL. MOU WAS SIGNED ON SEPTEMBER 24, 1973 AND DEALS WITH SALE OF F-5B, F-5E AND C-130 AIRCRAFT.

2. UNDER FOIA, WE ARE REQUIRED TO PROVIDE RECORDS REQUESTED UNLESS THEY FALL INTO ONE OF THE NINE CATEGORIES SPECIFICALLY EXEMPT. ONLY CATEGORY THAT MIGHT BE APPLICABLE IN THIS CASE IS CATEGORY 1, I.E. "RECORDS SPECIFICALLY CONFIDENTIAL

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AUTHORIZED UNDER CRITERIA ESTABLISHED BY AN EXECUTIVE ORDER

TO BE KEPT SECRET IN THE INTEREST OF NATIONAL DEFENSE OR FOREIGN POLICY AND IN FACT PROPERLY CLASSIFIED PURSUANT TO SUCH EXECUTIVE ORDER."

3. FROM STANDPOINT OF US NATIONAL DEFENSE, THERE IS NOTHING IN MOU OR ANNEXES THAT WARRANTS CONTINUED CLASSIFICATION. BEFORE DECIDING ON RELEASE OF DOCUMENT IN UNCLASSIFIED FORM, HOWEVER, WE WISH TO ASCERTAIN WHETHER THERE ARE ANY STRONG FOREIGN POLICY PROBLEMS.

4. EMBASSY IS INSTRUCTED TO APPROACH GOB AT APPROPRIATE LEVEL AND EXPLAIN NATURE OF PROBLEM DRAWING ON FOREGOING PARAS AS NECESSARY. YOU SHOULD STATE THAT USG HAS NO OBJECTION TO DECLASSIFICATION OF MOU AND ANNEXES BUT BEFORE DOING SO WE WISH TO ASCERTAIN VIEWS OF GOB SO THAT THEY MAY BE TAKEN INTO ACCOUNT. (BEGIN FYI. IF GOB REACTS STRONGLY AGAINST DECLASSIFICATION, EMBASSY SHOULD ASCERTAIN SPECIFIC NATURE OF OBJECTIONS. THIS WILL ENABLE US TO DETERMINE WHETHER DOCUMENT CAN BE PROVIDED IN SEGREGATED FORM, I.E. WITH CLASSIFIED PORTIONS DELETED. EMBASSY SHOULD ALSO DETERMINE WHETHER GOB WOULD BE WILLING TO AGREE TO RELEASE OF TEXT OF MOU ONLY. THIS WOULD MAINTAIN CONFIDENTIALITY OF THE ANNEXES WHICH CONTAIN DETAILS ON DELIVERIES, ETC., AND WHICH MAY BE MORE SENSITIVE IN GOB EYES. END FYI).

5. IN VIEW OF TIGHT DEADLINES IMPOSED BY FOIA, REPLY REQUESTED SOONEST. SISCO

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: LAW, MILITARY AIRCRAFT, INFORMATION CONTROL, MILITARY AGREEMENTS, SECURITY CLASSIFICATIONS
Control Number: n/a
Copy: SINGLE
Draft Date: 11 AUG 1975
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: GolinoFR
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1975STATE189520
Document Source: CORE
Document Unique ID: 00
Drafter: ASKOCHANNEK/LD
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: D750277-0506
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1975/newtext/t19750863/aaaacdty.tel
Line Count: 89
Locator: TEXT ON-LINE, ON MICROFILM
Office: ORIGIN PM
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: GolinoFR
Review Comment: n/a
Review Content Flags:
Review Date: 04 SEP 2003
Review Event:
Review Exemptions: n/a
Review History: RELEASED <04 SEP 2003 by WorrelSW>; APPROVED <26 NOV 2003 by GolinoFR>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
06 JUL 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: DECLASSIFICATION OF AIRCRAFT MOU
TAGS: MASS, BR, US, (ASPIN, LES)
To: BRASILIA
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 06 JUL 2006